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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**BUDDIE A. WILKERSON,**

**Plaintiff,**

**vs.**

**STATE OF UTAH DEPARTMENT OF  
HUMAN SERVICES, and SALT LAKE  
CITY POLICE DEPARTMENT,**

**Defendants.**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

**Case No. 2:13CV956 DAK**

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This matter is before the court on the Magistrate Judge's Report and Recommendation, which was signed and entered on November 13, 2013.<sup>1</sup> On October 21, 2013, Plaintiff filed his Complaint, along with a Motion for Service of Process.<sup>2</sup> On October 23, this court referred the case to a Magistrate Judge under 28 U.S.C. § 636(b)(1)(B).<sup>3</sup> On October 25, 2013, Plaintiff filed a "Motion: to obtain court order for any video and or audio tapes."<sup>4</sup>

On November 13, 2013, the Magistrate Judge issued a Report and Recommendation, recommending that the court deny the Motion for service of process and that the court dismiss

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<sup>1</sup> Docket No. 9.

<sup>2</sup> Docket Nos. 3, 4.

<sup>3</sup> Docket No. 5.

<sup>4</sup> Docket No. 8.

Plaintiff's Complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B)(ii).<sup>5</sup> On November 21, 2013, Plaintiff timely filed an Objection to the Report and Recommendation.<sup>6</sup>

Under 28 U.S.C. § 636(b)(1)(B), a district court must make *de novo* determinations as to a magistrate judge's recommendations if a party objects to the magistrate's recommendations. *See Phillips v. Beierwaltes*, 466 F.3d 1217, 1222 (10<sup>th</sup> Cir. 2006). Accordingly, the court has reviewed the entire record in this case, including Plaintiff's Complaint, the Magistrate Judge's Report and Recommendation, and Plaintiff's Objection. Having made a *de novo* review, the court accepts in whole the findings and recommendations made by the Magistrate Judge and therefore adopts the Report and Recommendation in its entirety.

As stated by the Magistrate Judge, "[t]o remedy the deficiencies noted above, Plaintiff's amended complaint should name all applicable defendants, identify the legal rights such defendants violated, and specify the underlying facts that demonstrate such violations."<sup>7</sup> *See Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1163 (10<sup>th</sup> Cir. 2007) ("[T]o state a claim in federal court, a complaint must explain what each defendant did to [the plaintiff]; when the defendant did it; how the defendant's action harmed [the plaintiff]; and, what specific legal right the plaintiff believes the defendant violated.").

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<sup>5</sup> Docket No. 9.

<sup>6</sup> Docket No. 10.

<sup>7</sup> Docket No. 9 at page 5 (internal citations omitted).

## CONCLUSION

Accordingly, the court hereby APPROVES and ADOPTS the Magistrate Judge's Report and Recommendation. The Complaint is DISMISSED without prejudice, and Plaintiff's Motion to Appoint Counsel [Docket No. 4] is DENIED without prejudice to renew if Plaintiff files an Amended Complaint. Plaintiff's "Motion: to obtain court order for any video and or audio tapes" {Docket No. 8] is also DENIED without prejudice to renew at a later date, if Plaintiff is able to state a claim. Plaintiff may file an Amended Complaint no later than fourteen (14) days after receiving a copy of this Order.

DATED this 27<sup>th</sup> day of January, 2014.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball", written over a horizontal line.

DALE A. KIMBALL  
United States District Judge